

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

MOSES PENNIC, III

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CASE NO. 2:06-CR-014-WKW

**ORDER**

This case is before the Court on the parties' Joint Motion to Continue Trial (Doc. # 37). The criminal case is currently set for trial during the January 8, 2007 term. For the reasons set forth below, the Court finds that the trial should be continued pursuant to 18 U.S.C. § 3161(h).

While the grant of a continuance is left to the sound discretion of the trial judge, *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the Court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1). However, the Act excludes from the 70 day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(8)(A).

The Court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and Mr. Pennic in a speedy trial. In support of his Motion to Continue Trial, Mr. Pennic explained that both parties have new counsel and, as such, plea negotiations have been

substantially more fruitful; however, a proffer with government agents cannot be completed prior to the January trial date. The government joins in the motion.

Accordingly, it is ORDERED that the defendant's Unopposed Motion to Continue Trial (Doc. # 27) is GRANTED. Trial in this matter is continued from January 8, 2007, to the criminal term of court beginning on April 23, 2007, at 10:00 a.m.

DONE this 29th day of December, 2006.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE